

NATHAN LEVY.

[To accompany bill H. R. No. 59.]

MARCH 3, 1840.

Mr. TOLAND, from the Committee on Commerce, made the following

REPORT:

The Committee on Commerce, to whom was referred the petition of Nathan Levy, report :

That they have examined the case, and concur in the report made thereon by the Committee on Commerce at the third session of the twenty-fifth Congress. They report a bill for the relief of the petitioner.

FEBRUARY 6, 1839.

The Committee on Commerce, to whom was referred the petition of Nathan Levy, report :

That it appears from the statement of the petitioner, together with the evidence which he has exhibited, that the brig Falcon, of Boston, Massachusetts, on her return from Liverpool to that place, in the latter part of the year 1832, encountered another vessel at sea, which so far disabled the said Falcon that she put into the island of St. Thomas in distress. Here a survey was had; the result of which was, that said brig could not be repaired short of three thousand seven hundred and forty dollars; consequently, she was exposed to sale at public auction. The amount of sales was six hundred and seventy-five dollars and ten cents. Thus the voyage was broken up, and the seamen discharged; in consequence of which, the petitioner, then being the accredited American consul at the island aforesaid, in virtue of his office and an act of Congress passed the 28th day of May, 1803, demanded of the master of said brig three months' pay for each seaman thus discharged, over and above their wages. To this demand the master protested, on account of the illegality thereof; but as the petitioner insisted upon payment, he complied with the requisition, and accordingly paid to said petitioner, in the capacity as aforesaid, the sum of three hundred and seventy-eight dollars, being the amount of three months' pay to each of the seamen belonging to said brig; of which sum the petitioner paid to the said crew two-thirds thereof, and the other one-third part he paid into the United States Treasury.

The owners of said brig, believing that said demand and payment were unjust, oppressive, and illegal, instituted a suit against the petitioner; and

on a trial at law, it was adjudged that the owners of the said brig should recover of the petitioner the abovementioned sum and the legal interest thereon; which said judgment the petitioner has fully satisfied.

The committee believe that, notwithstanding the petitioner misapprehended the law, yet that he acted in good faith; and are therefore of opinion that the above sum of three hundred and seventy-eight dollars ought to be refunded to him; and accordingly report a bill.

MARCH 3, 1840.

Mr. Tolson, from the Committee on Commerce, made the following

REPORT:

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That they have examined the case, and concur in the report made thereon by the Committee on Commerce at the third session of the twenty-fifth Congress. They report a bill for the relief of the petitioner.

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The Committee on Commerce, to whom was referred the petition of Nathan Levy, report:

That it appears from the statement of the petitioner, together with the evidence which he has exhibited, that the brig Falcon, of Boston, Massachusetts, on her return from Liverpool to that place, in the latter part of the year 1832, encountered another vessel at sea, which so far disabled the said Falcon that she put into the island of St. Thomas in distress. That a survey was had; the result of which was, that said brig could not be repaired short of three thousand seven hundred and forty dollars; consequently she was exposed to sale at public auction. The amount of sale was six hundred and seventy-five dollars and ten cents. Thus the voyage was broken up and the seamen discharged; in consequence of which the petitioner, then being the accredited American consul at the island aforesaid, in virtue of his office and an act of Congress passed the 28th day of May, 1805, demanded of the master of said brig three months' pay for each seaman thus discharged, over and above their wages. To this demand the master protested on account of the illegality thereof; but as the petitioner insisted upon payment he complied with the requisition, and accordingly paid to said petitioner in the capacity as aforesaid, the sum of three hundred and seventy-eight dollars, being the amount of three months' pay to each of the seamen belonging to said brig; of which sum the petitioner paid to the said two-inch vessel, and the other one-third part he paid into the United States Treasury.

The owner of said brig, believing that said demand and payment were unjust, oppressive and illegal, instituted a suit against the petitioner; and